IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(***Special Original Jurisdiction***)

WEDNESDAY, THE FIFTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO: 12529 of 2005

Between:

K. Prabhudas, S/o. Krupanandam,
R/o TRT No. 125, (Ground Floor) MCH No. 1-1-18/42, I.H. Colony,
Jawaharnagar, Chikadapally, Hyderabad.

..... PETITIONER

A N D

1 Municipal Corporation of Hyderabad, Rep by its Commissioner, Tank

Bund, Hyderabad.
2 The Assistant City Planner, Circle-III Municipal Corporation of

Hyderabad, Hyderabad.
3 G. Shankar, S/o. Late Jangaiah,
R/o. H.No. TRT 126(Floor) H.No. 1-1-18/42, I.H. Colony,

Jawharnagar, Chikkadpally.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate Writ more particularly one in the nature of writ of Mandamus declaring the action of the respondents 1 and 2 and its staff in not taking appropriate

action to stop the unauthorized constructions started by the 3rd respondent in respect of Qr. TRT No. 126 (first floor) situated at Jawaharnagar, Chikkadpally, Hyderabad, as illegal, arbitrary, without authority and violative of principles of natural justice and consequently direct the respondents 1 and 2 to take immediate action to stop the unauthorized constructions and also demolish the constructions already made by disposing the representations dated 20-9-2004 and 2-6-2005 submitted by the petitioner.

Counsel for the Petitioner: SMT.KAVITHA GOTTIPATI

Counsel for the Respondents: MR.RAMA RAO GHANTA

The Court at the stage of admission made the following **:** (order follows 2nd page)

O R D E R:

This writ petition is filed to declare the action of the respondents 1 and 2 and its staff in not taking appropriate action to stop the unauthorized constructions started by the third respondent in respect of Quarter No.TRT-126 (first floor) situate at Jawaharnagar colony, Chikkadpally, Hyderabad, as illegal, arbitrary and violative of the principles of natural justice and consequently to direct the respondents to take immediate action to stop the unauthorized constructions and also demolish the constructions already made by disposing of his representations dated 20-9-2004 and 02-6-2005 and pass appropriate order in the circumstances of this case.

Heard the learned counsel for the petitioner as well as the learned standing counsel for the respondents 1 and 2.

Perused the order dated 17-5-2005 passed by this court in WP.No.11319 of 2005, wherein the respondents 1 and 2 were directed to consider the representation dated 04-5-2005 submitted by the petitioner after giving reasonable opportunity to him and as well as the third respondent.

The relief sought by the petitioner in the present writ petition as well as in WP.No.11319 of 2005 is one and the same. However, considering the facts and circumstances, without going into the merits or otherwise, I deem it appropriate to direct the respondents 1 and 2 to consider the representations dated 20-9-2004 and 02-6-2005 respectively submitted by the petitioner and pass appropriate order on merits and in accordance with law after affording reasonable opportunity to the petitioner and also the third respondent, within four weeks, from the date of receipt of a copy of this order.

With the above direction, the writ petition is disposed of at the admission stage. No costs.

JUNE15th, 2005. ----------

I S L. **ELIPE DHARMA RAO , J**.

To

1. The Commissioner, Municipal Corporation of Hyderabad, Tank

Bund, Hyderabad.
2 The Assistant City Planner, Circle-III Municipal Corporation of

Hyderabad, Hyderabad.
3 ONE CC to SMT.KAVITHA GOTTIPATI

4 Two CD Copies.